

OCT 31 1995

STATE OF MAINE
Board of Overseers of the Bar
Grievance Commission
Nos. 93-S-110 and 93-S-187

BOARD OF OVERSEERS OF THE BAR,

Petitioner,

v.

DAVID W. HOLLER, ESQ.,

Respondent.

REPORT OF PROCEEDINGS,
FINDINGS, CONCLUSIONS
AND DISPOSITION

M. Bar R. 7.1(e)(3)(c)
and (4)

This matter came on for disciplinary hearing of the petition of the Board of Overseers of the Bar on October 25, 1995 at the Penobscot County Courthouse, Bangor, Maine. The hearing was convened at 9:30 a.m., and was open to the public for the purpose of determining if the evidence supported the imposition of a reprimand of the Respondent, or if probable cause existed for the filing of further disciplinary proceedings before the Court concerning the Respondent.

Proper notice having been given to the Respondent, the hearing was conducted before Panel A of the Grievance Commission comprised of John P. Foster, Frederick J. Badger, Jr., and Andrew J. Pease, Jr. The Board was represented by Assistant Bar Counsel Geoffrey S. Welsh. The Respondent was present and appeared pro se. No objection was raised by either party as to the composition of the panel.

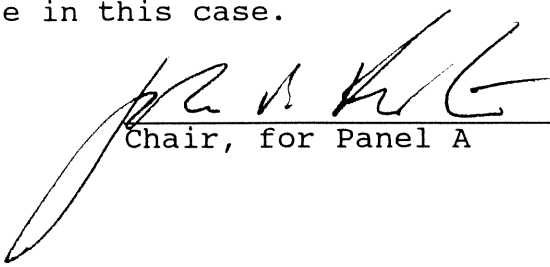
The following exhibits were admitted before the panel by agreement: Board Exhibits 1 through 18B and Respondent Exhibit 1. The only witness before the panel was the Respondent, who was duly sworn. At the conclusion of the testimony the panel heard argument from Assistant Bar Counsel and Respondent.

Based upon the record of all exhibits and testimony received at that hearing, the panel finds that there has been one or more violations of the Maine Bar Rules by the Respondent and finds that there is probable cause for suspension or disbarment of the Respondent and hereby directs Bar Counsel to commence an attorney disciplinary action by filing an information with the Court pursuant to Bar Rule 7.2(b).

Because this matter shall therefore be heard and determined *de novo* by the Court, it is for the Court therein and not the Grievance Commission to ultimately determine which particular Bar Rules have been violated concerning the disposition of that information.

However, the panel wishes to note that although it concluded that the Respondent's actions were too serious to result in only a reprimand, the panel was impressed with Respondent's complete acceptance of responsibility for his actions and his desire to do better in the future. The panel wished to suggest to the Court that some form of probationary disposition such as a "suspended suspension" may be appropriate in this case.

DATED: October 30, 1995



Chair, for Panel A